



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,637	10/27/2003	Cheryl Phillips	34250-1221	5379
7590	02/04/2009		EXAMINER	
Malvern U. Griffin III			OYEBISI, OJO O	
SUTHERLAND ASBILL & BRENNAN LLP			ART UNIT	PAPER NUMBER
999 Peachtree Street, N.E.				3696
Atlanta, GA 30309-3996				
			MAIL DATE	DELIVERY MODE
			02/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/695,637	PHILLIPS ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 November 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-13,15,17-29,31-41,43,45-53,55 and 57-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-13,15,17-29,31-41,43,45-53,55 and 57-61 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/02/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

In the amendment filed on 11/11/08, the following have occurred: claims 1-4, 6-13, 15, 17-29, 31-41, 43, 45-53, 55, and 57-61 remain pending in the application. The present amendment amends independent claims 1, 9, 22, 36, and 50, and dependent claims 4, 15, 17, 29, 31, 43, 45, 55, and 57 to clarify the respective scope of the claimed inventions. Claims 5, 14, 16, 30, 42, 44, 54, and 56 have been canceled by the present amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Goeller et al (Goeller hereinafter, US PUB No.: 2002/0178112).

Re claim 1. Goeller discloses a system for processing an accounts receivable check transaction involving a merchant (see the abstract), comprising: a location-base device associated with the merchant wherein the location-base device facilitates a conversion of the accounts receivable check to a corresponding electronic file without having the merchant determine whether or not the accounts receivable check is eligible for subsequent electronic processing and wherein the electronic file includes a tag that

indicates the type of the accounts receivable check (see paras 0012, also see "conversion only" paras 0040, also see paras 0057); and a check processing service communicationaly linked to the location-base device to receive from the location-base device the electronic file wherein the check processing service processes the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag (see pars 0040, also see paras 0057)(see paras 0042-0043), wherein the two or more different manners comprise printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing (see paras 0057)

Re claim 2. Goeller further discloses the system, wherein the location-base device comprises a point-of-sale device (see the abstract).

Re claim 3. Goeller further discloses the system, wherein the point of sale device is configured to prompt the merchant to scan a plurality of accounts receivable checks without having to determine whether the checks are electronically processable (see paras 0043, also see 0115)

Re claim 4. Goeller further discloses the system of claim 3, wherein the check processing service's two or more manners of processing the electronic file includes

electronic processing of the electronic file via an automated clearing house for checks that are eligible for the subsequent electronic processing (see paras 0040).

Re claim 6. Goeller further discloses the system, wherein the check processing service's processing of the electronic file further comprises a determination of whether to authorize or decline the check transaction (see paras 0057).

Re claim 7. Goeller further discloses the system, wherein determining whether to authorize or decline the check transaction includes performing a risk assessment of the check transaction (see paras 0058 and 0070)

Re claim 8. Goeller further discloses the system of claim 6, wherein determining whether to authorize or decline the check transaction depends at least to some degree on a level of service subscribed by the merchant wherein the level of service includes the check processing service guaranteeing or purchasing check transactions it authorizes thereby assuming at least some of the risk associated with the check transaction (see paras 0070).

Re claim 9. Goeller further discloses a method for processing a check transaction involving a merchant, the method comprising: processing a check via a location-base device associated with the merchant (see the abstract) without having the merchant

Art Unit: 3696

determine whether the check is eligible for subsequent electronic processing wherein the location-base device converts the check to an electronic file (see paras 0012, also see “conversion only” paras 0040, also see paras 0057); **transferring the electronic file from the location-base device to a check processing service configured to process check transactions (see paras 0040)**; and processing the electronic file in a selected manner depending on the type of the check associated with the electronic file thereby allowing an accounts receivable check to be converted to a corresponding electronic file whether or not that accounts receivable check can be subsequently processed electronically (see pars 0040, also see paras 0057)(see paras 0042-0043), wherein the two or more different manners comprise printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing (see paras 0057)

Re claim 10. Goeller further discloses the method, wherein the location-base device comprises a point-of-sale device (see abstract)

Re claim 11. Goeller further discloses the method, wherein the conversion of the accounts receivable check comprises scanning of at least a portion of the accounts receivable check (see paras 0043, also see 0115).

Re claim 12. Goeller further discloses the method, wherein the conversion of the

accounts receivable check further comprises prompting for and obtaining information from the merchant to facilitate the subsequent processing of the accounts receivable check (see the abstract).

Re claim 13. Goeller further discloses the method, wherein the information includes the type of the accounts receivable check to thereby allow the corresponding electronic file to be tagged accordingly (see paras 0057).

Re claim 15. Goeller further discloses the method, wherein the at least one or more of the selected manner of processing the electronic file comprises the check processing service processing the electronic file electronically via an automated clearing house for checks that are eligible for the subsequent electronic processing (see paras 0040).

Re claim 17. Goeller further discloses the method, wherein the check processing service's processing of the electronic file further comprises a determination of whether to authorize or decline the check transaction (see paras 0057)

Re claim 18. Goeller further discloses the method, wherein determining whether to authorize or decline the check transaction includes performing a risk assessment of the check transaction (see paras 0058 and 0070)

Re claim 19. Goeller further discloses the method, wherein the risk assessment includes a determination of a risk score associated with the check transaction (i.e., risk models, see paras 0070-0071).

Re claim 20. Goeller further discloses the method, wherein determining whether to authorize or decline the check transaction depends at least to some degree on a level of service subscribed by the merchant (see paras 0071).

Re claim 21. Goeller further discloses the method of claim 20, wherein the level of service includes the check processing service guaranteeing or purchasing check transactions it authorizes thereby assuming at least some of the risk associated with the check transaction (see paras 0070)

Re claim 22. Claim 22 recites similar limitations to claim 1 and thus rejected using the same art and rationale as in claim 1 supra.

Re claim 23. Goeller further discloses the system, wherein the financial transaction comprises a check transaction (see the abstract).

Re claim 24. Goeller further discloses the system , wherein the location-base device comprises a point-of-sale device (see the abstract).

Re claim 25. Goeller further discloses the system, wherein the conversion of an accounts receivable check comprises scanning of at least a portion of the accounts receivable check (see paras 0043, also see 0115).

Re claim 26. Goeller further discloses the system, wherein the conversion of the accounts receivable check further comprises prompting for and obtaining information from the merchant to facilitate the subsequent processing of the accounts receivable check (see paras 0044, also see the abstract).

Re claim 27. Goeller further discloses the system, wherein the information includes the type of the accounts receivable check to thereby allow the corresponding electronic file to be tagged accordingly (see paras 0057).

Re claim 28. Goeller further discloses the system, wherein the processing service is communicationally linked to the location-base device to allow transfer of the electronic file for further processing (see pars 0040, also see paras 0057).

Re claim 29. Goeller further discloses the system, wherein the one or more selected manner of processing the electronic file comprises the processing service processing the electronic file electronically via an automated clearing house for payments that can be processed subsequently in an electronic manner (see paras 0040).

Re claim 31. Goeller further discloses the system, wherein the processing service further determines whether to authorize or decline the financial transaction (see paras 0057)

Re claim 32. Goeller further discloses the system, wherein determining whether to authorize or decline the financial transaction includes performing a risk assessment of the financial transaction (see paras 0058 and 0070)

Re claim 33. Goeller further discloses the system, wherein the risk assessment includes a determination of a risk score associated with the financial transaction (i.e., risk models, see paras 0070-0071).

Re claim 34. Goeller further discloses the system, wherein determining whether to authorize or decline the financial transaction depends at least to some degree on a level of service subscribed by the merchant (see paras 0070).

Re claim 35. Goeller further discloses the system, wherein the level of service includes the processing service guaranteeing or purchasing financial transactions it authorizes thereby assuming at least some of the risk associated with the financial transaction (see paras 0058-0059).

Re claim 36. Goeller further discloses a method for processing a financial transaction

involving a merchant, the method comprising: processing a payment via a location-base device associated with the merchant (see the abstract) without having the merchant determine whether the payment can be processed subsequently in an electronic manner wherein the location-base device converts the payment to an electronic file (see paras 0012, also see “conversion only” paras 0040, also see paras 0057) **transferring the electronic file from the location-base device to a check processing service configured to process check transactions (see paras 0040)**; and processing the electronic file in a selected manner depending on the type of the payment associated with the electronic file wherein the two or more different manners comprise printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing (see paras 0057), thereby allowing an accounts receivable payment to be converted to a corresponding electronic file whether or not that accounts receivable payment can be subsequently processed electronically (see pars 0040, also see paras 0057)(see paras 0042-0043).

Re claim 37. Goeller further discloses the method, wherein the financial transaction comprises a check transaction (see the abstract).

Re claim 38. Goeller further discloses the method, wherein the location-base device comprises a point-of-sale device (see fig.1, also see the abstract).

Re claim 39. Goeller further discloses the method, wherein the conversion of an accounts receivable check comprises scanning of at least a portion of the accounts receivable check (see paras 0043, also see 0115).

Re claim 40. Goeller further discloses the method, wherein the conversion of the accounts receivable check further comprises prompting for and obtaining information from the merchant to facilitate the subsequent processing of the accounts receivable check (see the abstract)

Re claim 41. Goeller further discloses the method, wherein the information includes the type of the accounts receivable check to thereby allow the corresponding electronic file to be tagged accordingly (see paras 0057)

Re claim 43. Goeller further discloses the method, wherein the selected manner of processing the electronic file comprises the processing service processing the electronic file electronically via an automated clearing house for payments that can be processed subsequently in an electronic manner (see paras 0040).

Re claim 45. Goeller further discloses the method, wherein processing the electronic file further comprises the processing service determining whether to authorize or decline the financial transaction (see paras 0057)

Re claim 46. Goeller further discloses the method of claim 45, wherein determining whether to authorize or decline the financial transaction includes performing a risk assessment of the financial transaction (see paras 0058 and 0070).

Re claim 47. Goeller further discloses the method, wherein the risk assessment includes a determination of a risk score associated with the financial transaction (see paras 0070-0071).

Re claim 48. Goeller further discloses the method, wherein determining whether to authorize or decline the financial transaction depends at least to some degree on a level of service subscribed by the merchant (see paras 0071).

Re claim 49. Goeller further discloses the method, wherein the level of service includes the processing service guaranteeing or purchasing financial transactions it authorizes thereby assuming at least some of the risk associated with the financial transaction (see paras 0070).

Re claim 50. Goeller further discloses a system for performing a financial transaction, comprising: a first means for converting a payment into an electronic file (see paras 0012, also see “conversion only” paras 0040, also see paras 0057, also see fig.5 element 318); and a second means for selectively processing the electronic file to allow an accounts receivable payment to be converted to a corresponding electronic file

Art Unit: 3696

whether or not that accounts receivable payment can be subsequently processed electronically (see pars 0040, also see paras 0057)(see paras 0042-0043), wherein the second means comprises a means for transferring the electronic file from a location-base device to a processing service that is configured to process financial transactions (see paras 0040), a means for generating a printed document associated with the payment from the electronic file, and a means for subsequently processing the printed document via a federal clearing house for payments that cannot be processed subsequently in an electronic manner (see paras 0057)

Re claim 51. Goeller further discloses the system, wherein the financial transaction comprises a check transaction (see the abstract).

Re claim 52. Goeller further discloses the system, wherein the first means includes use of a location-base device to convert an accounts receivable check to its corresponding electronic file (see pars 0040, also see paras 0057)

Re claim 53. Goeller further discloses the system, wherein the first means further comprises obtaining information to facilitate the subsequent processing of the accounts receivable check (see paras 0042).

Re claim 55. Goeller further discloses the system, wherein the second means includes

processing the electronic file electronically via an automated clearing house for payments that can be processed subsequently in an electronic manner (see paras 0040).

Re claim 57. Goeller further discloses the system, wherein the second means further determines whether to authorize or decline the financial transaction (see paras 0057).

Re claim 58. Goeller further discloses the system, wherein determining whether to authorize or decline the financial transaction includes performing a risk assessment of the financial transaction (see paras 0058, also see paras 0070)

Re claim 59. Goeller further discloses the system, wherein the risk assessment includes a determination of a risk score associated with the financial transaction (see paras 0070-0071).

Re claim 60. Goeller further discloses the system, wherein determining whether to authorize or decline the financial transaction depends at least to some degree on a level of service subscribed by the merchant (see paras 0071)

Re claim 61. Goeller further discloses the system, wherein the level of service includes the processing service guaranteeing or purchasing financial transactions it authorizes

thereby assuming at least some of the risk associated with the financial transaction (see paras 0070).

Response to Arguments

Applicant's arguments filed 11/11/08 have been fully considered but they are not persuasive. The applicant argues that Goeller fails to disclose " wherein the two or more different manners comprise printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing." Contrary to the applicant's assertion, Goeller discloses that a merchant may request that a check be converted, be verified and converted, or be guaranteed and converted. If a merchant requests Conversion Only, the transaction will be approved or declined by a participating bank on which the check is drawn or by a third-party authorizing agent with minimal account verification processing, see paras 0057. The process, disclosed by Goeller, of converting checks only with minimal account verification processing is akin to the applicant's claimed limitation of processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

/O. O. O./
Examiner, Art Unit 3696

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/695,637	PHILLIPS ET AL.
Examiner	Art Unit	
OJO O. OYEBISI	3696	